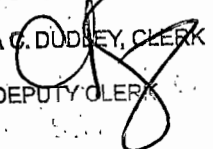


CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

AUG 12 2020

JULIA C. DUDNEY, CLERK
BY: 
DEPUTY CLERK

For Clerk's Office Use

Judge <u>u</u>	Rec'd
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IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF VIRGINIAFor use by inmates filing a complaint under CIVIL RIGHTS ACT, 42 U.S.C. §1983 or
BIVENS v. SIX UNKNOWN NAMED AGENTS OF FED. BUREAU OF NARCOTICS, 403
U.S.C. §388 (1971)Kenneth Chad Hatcher

Plaintiff full name

Inmate No.

v.

CIVIL ACTION NO.

7:20CV474Officer Hauffman; Officer Mabry; Officer Carine

Defendant(s) full name(s)

Buck

A. Current facility and address: New River Valley Regional
Jail AuthorityB. Where did this action take place? Carroll CountyC. Have you begun an action in state or federal court dealing with the same
facts involved in this complaint?☐ Yes☒ No

If your answer to A is Yes, answer the following:

1. Court: _____

2. Case Number: _____

D. Have you filed any grievances regarding the facts of this complaint?

☐ Yes☒ No

1. If your answer is Yes, indicate the result:

2. If your answer is No, indicate why: The jail authority can not address a grievance
with the Carroll County
Sheriff's Dept. Employees

E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

Please see attached claims sheets.

Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:

F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

Declaratory relief; injunctive relief; Money damages, punitive damages.

G. If this case goes to trial do you request a trial by jury? Yes ☒ No ☐

H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address after I have been released or transferred or my case may be dismissed.

DATED: 8-3-2020

SIGNATURE: Kenneth Chad Hatcher

VERIFICATION:

I, Kenneth Chad Hatcher, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees. I declare under penalty of perjury the foregoing to be true and correct.

DATED: 8-3-2020

SIGNATURE: Kenneth Chad Hatcher

claim #1) Officer Hauffman (Hauffman) is a Sheriff employee with the Carroll County Sheriff's Department. Officer Hauffman is the canine officer for officer Buck. Officer Buck is the canine employee through the Carroll County Sheriff's Department. Hauffman has a statutory, individual, and official duty not to apply unreasonable, excessive, or any force with malice or wanton intent. Hauffman also carries the duty Buck is properly trained and Hauffman carries the duty to intervene against unreasonable force.

claim 2) Officer Buck is the canine who is a sworn in canine that works directly under Hauffman's supervision. Buck has a statutory, individual, and official duty not to apply unreasonable, excessive or any force against a person with a malice or wanton intent during the seizure of a person. Buck also has a duty not to act deliberately indifferent.

claim 3) On 4/18/2020 I did flee on foot from the Carroll County Sheriff's Department. Once I ran into the woods I turned back and noticed that a police dog was running

toward me. I then held my hands up against the tree and yelled "I surrender." Canine Buck grabbed my leg and took me to the ground anyways.

Claim 4) As soon as I went to the ground I laid on my belly and put my hands behind my back. The dog kept chewing on my leg and repeatedly biting me. The dog kept biting my leg for over 30 seconds but closer to one minute, while I laid on my belly with my hands behind my back.

Claim 5) When Officer Hauffman arrived he did not command the dog to stop biting me, while I laid with my hands behind my back and the dog still biting me Hauffman punched me in the face and then kneed me in the face. Then he placed cuffs on me and commanded the dog to stop biting me. When I finally looked at the dog, blood was all over the dogs face, and the dog was chewing on my skin and pieces of my leg.

Claim 6) Officer Mabry then arrived and both of the officers kept taunting and threatening me that "if you don't walk back to the police car then the dog already has blood taste

and we will put him back on you" Although I was bleeding badly and could not walk I managed to get back to the car with their assistance,

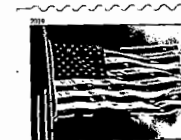
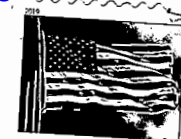
claim 7) Once back to the car the Cana rescue squad arrived and transported me to the Galax hospital. My immediate injuries resulted in 43 ~~stitches~~^{stitches} and emergency surgery.

claim 8) At the filing of this complaint (3 months post) my leg still has open wounds, I am having to walk with a cane and am permanently disabled. The medical department has to wrap my leg every morning and change bandages because of the drainage. The jail authority is referring me to an orthopedic and nerve specialist.

claim 9) Officer Buck applied excessive, unreasonable, malicious, force with a "wanton" intent, in violation of my 4th Amendment rights to be free from unreasonable seizures.

Claim 10) Officer Hauffman failed to intervene while the canine was applying unreasonable force.

Kenneth Chad Hatcher
P.O. Box 1067
Dublin VA 24084



D-100

Clerk, U.S. District Court
210 Franklin Rd. RM: 540
Roanoke VA. 24011

URGENT